

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,  
Plaintiff,

v.

OAKDALE SHOPPING CENTER L.L.C., et.  
al.,  
Defendants.

Case No.: 1:22-cv-01305-ADA-BAM

NOTICE OF IMPENDING TRANSFER OF CASE

ORDER ADVISING PARTIES OF AMENDMENT  
TO LOCAL RULE 120 AND THAT IF PARTIES  
WISH TO HAVE CASE STAY WITHIN THE  
CURRENT FRESNO DIVISION, THEY MAY  
CONSENT TO MAGISTRATE JUDGE  
JURISDICTION

**FOURTEEN DAY DEADLINE**

Effective August 7, 2023, Local Rule 120, of the Local Rules of the United States District Court, Eastern District of California, was amended. See General Order No. 666. Prior to amendment, Local Rule 120(d) provided that “[a]ll civil and criminal actions and proceedings of every nature and kind . . . arising in,” among other counties, the counties of Calaveras, and Stanislaus, “shall be commenced in the United States District Court sitting in Fresno, California, and in Bakersfield, California, Yosemite National Park[,] or other designated places.” As now amended, Local Rule 120(d) provides that actions arising in the counties of Calaveras or Stanislaus shall now “be commenced in the United States Court sitting [in] Sacramento, California, and in Redding, California, or other designated places within those counties.”

1 This is an action or proceeding which arises in either the county of Calaveras or Stanislaus. In  
2 light of the amended Local Rule 120(d), the parties are advised that this case will be transferred from  
3 the District Court in the Fresno Division to the District Court in the Sacramento Division for all  
4 purposes including for trial. Before the case is transferred, the parties are advised that if they wish to  
5 keep this case in the Fresno Division, they may consent to Magistrate Judge jurisdiction, and if all  
6 parties consent, this case will remain in the Fresno Division and will be assigned to the current  
7 Magistrate Judge for all purposes. If all parties do not consent to Magistrate Judge jurisdiction, this  
8 case will be transferred out of the Fresno Division and to the Sacramento Division, and a new District  
9 Judge and Magistrate Judge will be assigned.

10 To consent or decline to magistrate judge jurisdiction, a party may sign and file the consent  
11 form available on the Court's website.<sup>1</sup> Parties may consent, decline or withhold consent without any  
12 adverse consequences, and the assigned Magistrate Judge will not be informed of the individual  
13 party's decision regarding consent.

14 Accordingly, **within 14 days** of the date of service of this order, the parties may file consent to  
15 the Magistrate Judge jurisdiction. If all parties consent, this action will remain in the Fresno Division,  
16 otherwise, the case will be transferred to the Sacramento Division and a new District Judge and  
17 Magistrate Judge will be assigned.

18  
19 IT IS SO ORDERED.

20 Dated: August 18, 2023

21 /s/ Barbara A. McAuliffe  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
27

28  

---

<sup>1</sup> The consent form is available at: <http://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/>.